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PATENT  
Customer No. 22,852  
Attorney Docket No. 08364.0019

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
David BARTLETT et al.	)	Group Art Unit: 2644
	)	
Serial No.: 09/856,734	)	Examiner: Andrew C. Flanders
	)	
Filed: May 25, 2001	)	
	)	Confirmation No.: 3454
For: ACOUSTIC COMMUNICATION	)	
SYSTEM	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated January 31, 2005, the Examiner required restriction under 35 U.S.C. § 121 and 372 between Group 1 (claims 61, 108, 115, 117, and 146); Group 2 (claims 61-69, 108, 109, 114-118, and 146); Group 3 (claims 61-63, 70-83, 108, 109, 114-118, and 146); Group 4 (claims 61-63, 108-118, 133, 134, 138, and 146); Group 5 (claims 61, 84-89, 90-98, 100, 108, 115, 117, 119-132, 135-137, and 146); and Group 6 (claims 61, 101-108, 115, 117, and 139-146). Applicants provisionally elect to prosecute Group 6 (claims 61, 101-108, 115, 117, and 139-146) with traverse.

Applicants respectfully traverse the restriction requirement for at least the reason that it does not comply with the guidelines set forth in PCT Rules 13.1 and 13.2. As PCT Rule 13.2 clearly explains, the requirement for unity of invention among a group of

inventions shall be considered as fulfilled if there is “a technical relationship among those inventions involving one or more of the same or corresponding special technical features.” (Emphasis added.) In other words, the unity of invention requirement will be satisfied if a group of inventions has just one common “special technical feature.”

The restriction requirement should be withdrawn for at least the reason that at least one special technical feature is common to each of the alleged groups of inventions (i.e., Groups 1-6) identified by the Examiner. For example, in the restriction requirement, the Examiner maintained that “an encoder with spreading means is a special technical feature.” Thus, according to PCT 13.2, the unity of invention requirement will be fulfilled by a group of inventions all of which include the special technical feature of an encoder with spreading means.

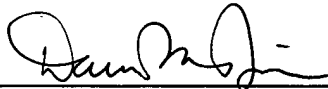
Applicants submit that independent claim 61 includes, among other elements, an encoder having a means for spreading. The Examiner has included independent claim 61 in each of Groups 1-6. Thus, by associating claim 61 with each of Groups 1-6, the Examiner has effectively demonstrated that there is a common special technical relationship among the alleged inventions of Groups 1-6. That is, by including claim 61 in each of Groups 1-6, each of Groups 1-6 possesses the common special technical feature of the encoder having a spreading means. Because all of Groups 1-6 possess at least one common special technical feature, the alleged inventions of Groups 1-6 fulfill the unity of invention requirement of PCT Rule 13.2. Accordingly, the restriction requirement is improper and should be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 28, 2005

By:   
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